

Tulare County Environmental Health Division
Corrective Action Status Report
January 15, 2007

Evaluation Date: **October 18, 2005**

State Evaluation Team

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- 1. Deficiency:** The CUPA has not inspected all businesses subject to the HMRRP, HW[G], and CalARP programs every three years.

CUPA Corrective Action:

Period July 1, 2005 through June 30, 2006

The *Preliminary Corrective Action* and *Timeframe* sections of the *Summary of Findings* states "The CUPA will increase inspections to meet the frequencies stated in their Inspection and Enforcement Plan within 1 year". In the *Corrective Action Status Report* dated May 18, 2006, the CUPA presented the number of routine inspections by category for the first six months (i.e., October 2005 to May 2006). Based upon these numbers, the Status Report projected that "The CUPA is currently on pace to meet required inspection frequencies in the above programs within one year." However, the CUPA did not take into consideration the increase in the number of regulated businesses over the reporting year, which is reflected in the table below:

	NO. FACILITIES 5-18-06	NO. FACILITIES 9-24-06	INCREASE IN NO. FACILITIES	SHORTFALL IN REQUIRED INSPECTIONS FY 2005/06
HAZARDOUS MATERIAL RELEASE RESPONSE PLANS	917	974	57	28
HAZARDOUS WASTE GENERATORS	492	529	37	31
UNDERGROUND STORAGE TANKS	260	269	9	27
RISK MANAGEMENT PLANS	94 (48 RMP)	94 (48 RMP)	0	0

This increase in the number of facilities over the reporting year contributes to the modest shortfalls in the required number of Hazardous Material Release Response Plan and Hazardous Waste Generator routine inspections in the 2005/06 Annual Summary Report (see Chart 1).

Period July 1 through December 31, 2006

Routine inspections for the period from July 1 to December 31, 2006 are presented below:

	NO. FACILITIES	REQUIRED ANNUAL INSPECTIONS	INSPECTIONS PERFORMED JULY - DECEMBER 2006	INSPECTIONS REQUIRED DURING NEXT 6 MONTHS
HAZARDOUS MATERIAL RELEASE RESPONSE PLANS	1007	336	125	211
HAZARDOUS WASTE GENERATOR	551	184	66	118
UNDERGROUND STORAGE TANKS	266	266	139	127
RISK MANAGEMENT PLANS	48	16	4	7*

* To Complete All Required RMP Inspections within 3 Year Cycle

Less than 50% of the required annual business plan and hazardous waste generator inspections were conducted during the first six months of Fiscal Year 2006/07 (see Chart 2). This inspection shortfall is partially due to the following factors:

1. Over this period, there has been an increase of 33 regulated business plan and 22 hazardous waste generator facilities.
2. One CUPA inspector left employment on October 25, 2006, and was replaced by a lateral transfer from the Generalist staff. The new CUPA inspector has been training with more experienced staff and will take the UST Inspector Certification Exam in February 2007.
3. The CUPA performed a large number of activities reported under the category of "Other Inspections" on the Annual Summary Report. In particular, considerable resources were devoted to the underground storage tank (UST) program. Over this period, 2 UST removal and 20 construction inspections were performed, 46 site visits to assist business owners were made, and 21 secondary containment tests were observed. The CUPA began observing all secondary containment testing in July 2006, due to irregularities with previous testing results.
4. Over this period, the CUPA began violation and enforcement tracking and logging of test results into the Envision® database. This process has required one inspector to devote considerable time to establishing new service codes and train the other inspectors. All inspectors are now logging violations, return to compliance, and enforcement data into the database, which is also requiring additional staff time.

Period January 1 through June 31, 2007 (Projection)

The CUPA believes that the impact of some of the above factors will decrease during the period of January 1 through June 31, 2007, as described below:

1. The CUPA projects the number of regulated business plan and hazardous waste generator facilities to remain relatively stable over the next six months. The CUPA is currently well ahead of the requirement to inspect the 48 facilities that have submitted Risk Management Plans (RMPs) every three years. However, last year the CUPA notified an additional 46 facilities which exceed the State Threshold Quantities of Regulated Substances. Review of submitted RMPs and initial inspection of these additional facilities will require a significant commitment of resources over the next two and a half years.
2. The CUPA is currently fully staffed with a complement of seven inspectors. The newest CUPA inspector has completed training and will begin conducting solo inspections.

An additional CUPA inspector may also be hired, depending on budgetary concerns and the availability of qualified candidates. The Environmental Health Department interviewed five candidates for Environmental Health Specialist I positions on August 9, 2006. None were hired for the planned additional CUPA inspector position. However, two candidates were hired for Generalist inspector positions. These new hires, as well as other inspectors within the Environmental Health Department, are available for lateral transfer into the planned additional CUPA position if budgetary considerations allow.

3. The CUPA anticipates an overall reduction in the number of inspector hours required for the UST program. However, it is presently unclear whether CUPA staff will need to inspect installations of In-Station Diagnostics (ISD) equipment at UST facilities. The CUPA urges the California Air Resources Control Board and State Water Resources Control Board to issue joint guidance on this issue pursuant to the requirements of Assembly Bill 2955.
4. Tracking of violation and enforcement and test results in the Envision® database is expected to result in an overall reduction of the time that inspectors are required to devote to these activities. An estimated 0.2 FTE inspector will be devoted to overseeing conversion of business plan hazardous material inventories to the Envision® the database.

Summary and Conclusion

CUPA goals are to conduct annual UST inspections and triennial business plan and hazardous waste generator inspections. Additionally, facilities are inspected based on compliance history and potential hazard. The CUPA projects that these goals will be attained by the end of Fiscal Year 2006/07.